

8/23/05

1 **COMP**  
2 WILL LEMKUL, ESQ.  
3 Nevada Bar # 6715  
4 SANDRA M. RAU, ESQ.  
5 Nevada Bar # (pending)  
6 MORRIS & SULLIVAN, LLP  
7 10680 Trenea Street, Suite 100  
8 San Diego, California 92131  
9 Telephone: (858) 566-7600  
10 Telecopier: (858) 566-6602  
11 Attorney for Plaintiffs

**FILED**  
*Original*  
Aug 23 8 19 AM '05  
*Shelley B. Pungione*  
CLERK

12 - and -  
13  
14 JEFF FERGUSON, ESQ.  
15 JEFF FERGUSON, APC  
16 Nevada Bar # 6292  
17 851 S Rampart Blvd Suite 260  
18 Las Vegas, NV 89145  
19 Telephone: (702) 233-3063  
20 Telecopier: (702) 233-3064  
21 Attorney for Plaintiffs

JEFF FERGUSON, APC  
851 South Rampart Bl. #260  
Las Vegas, Nevada 89145  
702-233-3063 FAX: 233-3064

EIGHTH JUDICIAL DISTRICT COURT  
CLARK COUNTY, NEVADA

16 SHAUNA MARTIN, )  
17 )  
18 Plaintiffs, )  
19 vs. )  
20 SEVEN, INC., a Nevada corporation; DOES 1 )  
21 Through 100; and ROES 101 Through 200, )  
22 Defendants. )

Case No.: A508894  
Dept. No.: 111

(1) COMPLAINT; and  
(2) DEMAND FOR JURY TRIAL

*Exempt from Arbitration:  
Amount in Controversy Exceeds \$40,000*

23 NOW APPEARS PLAINTIFF SHAUNA MARTIN, (hereinafter "Plaintiff"), by and through  
24 her attorneys of record JEFF FERGUSON, ESQ., and WILL LEMKUL, ESQ., hereby complain and  
25 allege as follows:

PARTIES

- 26  
27 1. At all times herein mentioned, PLAINTIFF SHAUNA MARTIN, was and is a citizen  
28 of Nevada, County of Clark.  
2. Plaintiff is informed and believes, and thereupon alleges, that Defendant, SEVEN,  
INC., (hereinafter "SEVEN" or "DEFENDANT"), is, and was at all relevant times, a Nevada

COUNTY CLERK  
AUG 23 9AM5  
RECEIVED

JEFF FERGUSON, APC  
851 South Rampart Bl. #260  
Las Vegas, Nevada 89145  
702-233-3063 FAX: 233-3064

1 corporation, licensed and authorized to conduct business in the state of Nevada.

2 3. The true names or capacities, whether individual, corporate, association or otherwise,  
3 of DOE DEFENDANTS 1 through 100 are unknown to Plaintiffs, who therefor sue said DOE  
4 DEFENDANTS by such fictitious names: Plaintiffs are informed and believe and thereupon allege that  
5 each of the DOE DEFENDANTS designated herein as DOE 1 through 100 are responsible in some  
6 manner for the events and happenings referred to in this Complaint including but not limited the  
7 operation of a nightclub open to the public. Plaintiffs will seek leave of Court to amend this  
8 Complaint to insert the true names and capacities of DOE DEFENDANTS 1 through 100 when the  
9 true identities of DOE DEFENDANTS are learned.

10 4. The true names or capacities, whether individual, corporate, association or otherwise,  
11 of ROE DEFENDANTS 101 through 200 are unknown to Plaintiffs, who therefor sue said ROE  
12 DEFENDANTS by such fictitious names: Plaintiffs are informed and believe and thereupon allege that  
13 each of the ROE DEFENDANTS designated herein as ROE 101 through 200 are responsible in some  
14 manner for the events and happenings referred to in this Complaint including but not limited the  
15 operation of a nightclub open to the public. Plaintiffs will seek leave of Court to amend this  
16 Complaint to insert the true names and capacities of ROE DEFENDANTS 101 through 200 when the  
17 true identities of ROE DEFENDANTS are learned.

18 5. At all times herein mentioned, each of the Defendants identified herein were the agent,  
19 servant, partner, aider and abettor, co-conspirator and joint venturer of each of the remaining  
20 Defendants herein and were at all times operating and acting within the purpose and scope of said  
21 agency, service, employment, partnership, conspiracy and joint venture and rendered substantial  
22 assistance and encouragement to the other Defendants, knowing that their conduct constituted a breach  
23 of duty.

24 JURISDICTION/VENUE

25 6. Jurisdiction and venue are proper in this action in that this case involves a personal  
26 injury which occurred on or about May 16, 2004 at the Seven Nightclub located at 3724 S. Las Vegas  
27 Blvd., Las Vegas, Nevada 89109.

28 GENERAL ALLEGATIONS

7. SEVEN is a popular Las Vegas nightclub located on the world-famous Las Vegas strip.



**JEFF FERGUSON, APC**  
851 South Rampart Bl. #260  
Las Vegas, Nevada 89145  
702-233-3063 FAX: 233-3064

1 breach of Defendants' duty to exercise reasonable care in the maintenance of their premises.

2 19. Defendants breach caused substantial bodily injury to Plaintiff including surgery and  
3 physical therapy.

4 20. As a direct and proximate result of the aforementioned acts of Defendants, and each  
5 of them, Plaintiff has suffered injuries and damages in an amount in excess of TEN THOUSAND  
6 DOLLARS (\$10,000.00).

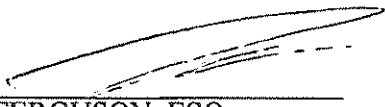
7 21. That as a further direct and proximate result of the actions of Defendants, and each of  
8 them, Plaintiff has been forced to retain the services of legal counsel to prosecute this action and are  
9 entitled to reasonable attorney's fees and costs of suit therefor.

10 **WHEREFORE**, Plaintiff prays for judgment against Defendant as follows:

- 11 1. Compensatory damages in excess of \$10,000;
- 12 2. Special damages in an amount to be proven at the time of trial;
- 13 3. Attorney's fees and costs of suit incurred herein; and;
- 14 4. Such other and further relief as the Court may deem just and proper.

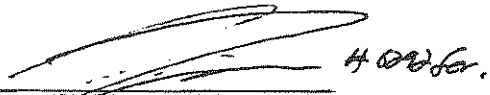
15 DATED this 15th day of August, 2005.

16  
17 **JEFF FERGUSON, APC**

18  
19  
20 By:   
21 **JEFF FERGUSON, ESQ.**  
22 Nevada Bar No. 006292  
23 851 S Rampart Blvd #260  
24 Las Vegas, NV 89145  
25 *Attorney for plaintiffs.*

26 - and -

27 **MORRIS & SULLIVAN, LLP**

28 By:   
**WILL LEMKUL, ESQ.**  
Nevada Bar #006715  
*Attorney for Plaintiffs*

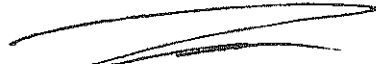
DEMAND FOR JURY TRIAL

Plaintiff demands a jury trial in this action on all issues so triable.

Dated this 15th day of August, 2005.


Respectfully submitted by:

JEFF FERGUSON, APC

By:   
JEFF B. FERGUSON, ESQ.  
Nevada Bar No. 006292  
*Attorney for plaintiffs.*

- and -

MORRIS & SULLIVAN, LLP

By:   
WILL LEMKUL, ESQ.  
Nevada Bar #006715  
*Attorney for Plaintiffs*

JEFF FERGUSON, APC  
851 South Rampart Bl. #260  
Las Vegas, Nevada 89145  
702-233-3063 FAX: 233-3064

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28